

**MEMO ENDORSED****LOVETT & GOULD, LLP**  
ATTORNEYS AT LAWJONATHAN LOVETT  
JANE BILUS GOULD222 BLOOMINGDALE ROAD  
WHITE PLAINS, N.Y. 10605KIM PATRICIA BERG+  
DRITA NICAJ+914-428-8401  
FAX 914-428-8916  
April 4, 2008

\*also admitted in New Jersey

**VIA FACSIMILE**Honorable William C. Conner  
United States District Court  
Southern District of New York  
300 Quarropas Street  
White Plains, New York 10601Re: Heffernan v. Straub, et al.  
07 Civ. 1126 (WCC)

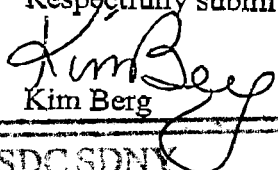
Dear Judge Conner,

We represent Plaintiff in the above referenced matter. Currently, Defendants' motion to dismiss pursuant to Rule 12(b)(6) is pending and Plaintiff's opposition to that motion is due April 9, 2008.

However, today Plaintiff will be filing a First Amended Complaint. After conferring with defense counsel and Eric from Your Honor's Chambers, we respectfully request that the current motion be held in abeyance until April 28, 2008 – at which time Defense counsel will either file a motion based on the allegations in the First Amended Complaint or file an Answer. This would avoid having two motions to dismiss pending in this case.

Should defendants determine to file a motion to dismiss the First Amended Complaint, they would do so on or before April 28, 2008. Upon agreement of all counsel, if a motion is filed we would respectfully request that the time for Plaintiff's opposition papers be set for May 19, 2008 and Defendants' reply May 29, 2008.

Respectfully submitted,

  
Kim Berg

KB:nb

cc: Maureen M. Stamp, Esq. (via facsimile)

*So Ordered*  
*April 4, 2008**William C. Conner*  
*Sr. U.S.D.J.*

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED:

COPIES MAILED TO COUNSEL OF RECORD

**MEMO ENDORSED**